

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division

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OLA SALEM
1861 S George Mason DR,
Arlington, VA 22204

Plaintiffs,

Civil Action No.: _____

-against-

ARABIA FOUNDATION
1779 Massachusetts Ave NW, Suite 805
Washington, DC 20036

and

ALI SHIHABI
1779 Massachusetts Ave NW, Suite 805
Washington, DC 20036

Defendants.

-----X

COMPLAINT

Plaintiffs, OLA SALEM (“OLA”) (the “Plaintiff”), by and through her attorneys, Gerstman Schwartz LLP, complaining of the Defendants the ARABIA FOUNDATION (“Defendant Foundation”) and ALI SHIHABI (“Defendant Ali”) (collectively, “Defendants”), set forth and alleges as follows:

PRELIMINARY STATEMENT

1. This action arises from the defamatory and abusive statements and harassment by Defendants against Plaintiff Ola Salem. She met with the Defendant Ali, who is listed as “the Founder” of the Defendant Foundation in June of 2017. Defendant Ali runs the Defendant Foundation. At the initial meeting Plaintiff asked for assurances that the Foundation was not funded by the Saudi government. As a journalist this was important to her. She was expressly assured by Defendants that such was not the case. Since then she has heard from colleagues that

in fact the Foundation does receive Saudi Arabian funds which in Plaintiff's mind may explain some of the Defendant's pejorative and damaging statements made about her after she left the Foundation's employ and interference with her livelihood.

2. In any case Plaintiff was hired immediately by the Defendant Foundation as its Communications Director starting work on July 3rd of 2017 supposedly because of her aptitude and ability and background in journalism. Plaintiff had worked for five years at The National a respected Abu Dhabi, UAE publication covering the UAE parliament and important stories of international significance like the conditions at Syrian refugee camps. Plaintiff graduated with honors from University majoring in Journalism in 2010. On her very first day working for the Foundation the Defendant at a business lunch told her in a wildly inappropriate statement that "All the girls I want to date are journalists." Plaintiff was made uncomfortable by the statement and noted she was married. Defendant also said to Plaintiff "I was looking for someone your age. I didn't want someone with children. I know that illegal to say." At another time he told Plaintiff. "Can you really do the job given its time and travel demands? I know your husband is an Arab."

3. During and after her employ Defendants repeatedly caused tortious injury to Plaintiffs by publishing defamatory statements about the Plaintiff in the District of Columbia. To add insult to injury almost from the moment Ola started the job Defendant Ali was verbally abusive, made her uncomfortable on a daily basis with express salacious or suggestive sexual remarks about her as well as making fun of Arabic women generally. To make matters worse Defendant Ali gratuitously spoke about his desires and preferences in her presence despite her repeated request that he refrain from doing so and indications that such made her very uncomfortable.

4. He also berated and demeaned her in public and was mentally abusive on a daily basis. Among offensive comments he made were “If you don’t do a good job for this event I’ll behead you” He also shouted at her in front of colleagues and at an event treated her like a waitress bellowing “why are peoples cups half empty.” On another occasion he critiqued female employees attire stating such was “ugly” and What is she wearing” and yelled at the Plaintiff telling her you should make sure that she wears more attractive attire. Most egregiously he asked things like “Come over here – I didn’t get my morning kiss today.” Plaintiff repeatedly reminded Defendant these demands and statements were inappropriate – as a married woman and a professional she did not appreciate this. On or about March 24 the of 2018 he shouted at her as he has on numerous other occasions, he berated her in front of Director Firas Maksad calling her incompetent and denigrated her and made comments about woman being “stupid” for not retweeting a Twitter post. Director Firas knew about all the inappropriate and off-color comments and took no action to address same despite her complaints. Instead he offered to increase her salary for her putting up with the negative work environment.

5. Defendant also would barge into Plaintiff’s office without knocking and on one such occasion felt the need to offer that a member of the advisory board was dating a journalist. He then licked his lips and said “it pays off to have a journalist girlfriend.” He also repeatedly made undignified comments about female journalist, particularly those of Arab descent. He would call them stupid or foolish. He also stereotyped me – indicated I was a typical spoiled Arab woman. He also pressed another female employee to date his son and when the employee stood up his son on that date he blamed me and called me “useless”

6. On another occasion he made fun of an Egyptian colleague’s accent in front of me knowing that I was of Egyptian descent. In April up until and including April 24th the Defendant

continued to make inappropriate comments stating “You look tired. Long night? Is it because you are a mother or something else?” Inexcusably and rather inexplicably he also made vulgar and culturally insensitive and insulting statements about Plaintiff as an Arab woman. As a result, Plaintiff Ola only lasted 9 months at the Foundation. As a further result of his unsolicited and unwanted sexual and unwelcome sexual remarks and misogynistic and demeaning statements many of the other female employees left as well.

7. Understandably his actions and statements and unwanted verbal innuendo and advances caused Plaintiff Ola to become depressed, suffer weight and, hair loss and bouts of nervousness, and an eating disorder devastating her self-image and adversely impacting on her life at home and at work. Besides creating a hostile work environment which continued up until the very day she left her employment claims Defendant Ali after her departure continued to make inappropriate and negative statements about her abilities and her physiology even after she was no longer in the employ of the Foundation in a campaign to destroy her and her credibility 0stating ins um and substance you should never get another job in journalism.

POST EMPLOYMENT

8. In May of 2018 Plaintiff tweeted something that he found problematic because it could be seen as a critique of the Saudi government. He responded to her tweet with “would you have said this if you were still on our payroll?” snidely besmirching her integrity as a journalist as if one’s role in a “think tank” is the same in every respect as that of an independent journalist regardless of who his paymasters may be.

9. Once again on June of 2018 on Twitter he stated “Ola …after a year of praising Saudi [while in our employ] you start to criticize…sends a message… that you are a mercenary

with no values” Plainly this was intending to defame and discredit the Plaintiff and intimate her from voicing her opinions and an attempt to cow her into silence.

10. In August of 2018 he emailed the Plaintiff that “At la Reserve in Geneva, [a public forum … Defendant told].... Everybody…*you flipped on us*....Who can understand women?;)” In October of 2018 after Plaintiff published a story on Jamal Khashoggi’s infamous murder by Saudi operatives the Defendants sinistly requested Plaintiff’s editor’s email clearly seeking to intimidate Plaintiff and besmirch her professional reputation and prospects. Later in October Defendant send a written message to another journalist who had been promoting Plaintiff’s Khashoggi article and again Defendant sought to discredit her integrity stating in sum and substance that when she was on the now blatantly pro-Saudi Foundations payroll she and her husband were more favorable to the Saudi government but now “watch out for hypocritical and mercenary commentary.” Clearly these comments were intended to sully her professional reputation and perhaps silence her. In March of 2019 he published a tweet to Plaintiff’s husband stating “you are total hypocrites...I kept my both shut when you both started...to be anti-Saudi... even about the info from the journalist that I have on file for some time to use for a day like this. Patience has its limits” referencing some kind of Nixonian veiled threat to release some damaging information to intimidate Plaintiff and her husband.

11. Venue properly lies in this Court because Defendants are located in the District of Columbia and this action concerns Defendants’ activities within the District of Columbia.

PARTIES

12. The Defendant Foundation describes itself as a Washington DC-based think tank focused on the geopolitics and socioeconomics of the Middle East with a particular focus on the states of the Arabian Peninsula.

13. Established in 2017 The Defendant Foundation describes its core mission as providing insights and encouraging debate on the domestic and foreign politics of key regional states and non-state actors as well as their relationships with the United States aiming to highlight and contextualize the significant social and economic transformations that are currently taking place within many of these countries.

14. The Defendant Foundation indicates its reports, analyses, commentary, and events are designed to be a resource for policy-makers, academics, think tank professionals, and media who wish to better understand the complexities of an opaque part of the world that remains critical to global stability.

15. The Defendant Foundation represents that it is a registered 501(c)(4) non-profit entity and also asserts that it is “privately” funded by “corporate and individual” donations.

16. Defendant Ali is the Founder of The Defendant Foundation. In this capacity, Plaintiff Ali personally appears on television networks and publishing articles that cover major issues surrounding the geopolitics and socioeconomics of the Middle East.

17. Defendant Foundation is a not-for-profit “think tank” with its principal place of business in Washington, District of Columbia. Defendant Foundation seeks to advances its views with a United States-based audience.

18. Defendant Ali is the Founder and president of Defendant Foundation. In this capacity, Defendant Ali has made numerous television appearances and written articles that advance the interests of Defendant the Foundation. In the scope of his duties to Defendant Foundation, on numerous occasions Defendant Ali publicly disparaged Plaintiff thereby publishing or making defamatory and thoroughly damaging statements, calling Plaintiff Ola “a hypocrite” and “mercenary” and besmirching her independence, integrity and credibility as a

journalist. Defendant Ali knew that these statements would impair Plaintiffs future job prospects and her career as a journalist or communications professional. Defendant Ali's purpose in publishing these statements was to get revenge against Plaintiff for complaining about his sexual harassments and his creation of a hostile work place and again to undermine her credibility as an objective journalist.

FACTUAL ALLEGATIONS

19. On March 20, 2018, Plaintiffs stated before colleagues and others that Plaintiff was "mercenary and a hypocrite" indicating she was dishonest and not to be trusted. This compounded earlier comment that she was "useless." He also stated that she had to be dismissed because she could not fulfill her duties – that she "flipped" implying she was crazy or disloyal. He stated he would "behead her." He demanded morning kisses in front of others. At all times he knew the descriptive statements to be false but upon information and belief made them in order to destroy Plaintiff's credibility because of her previously complaints about his salacious and improper sexual comments to her and other woman working at the Foundation. At all times with regard to inappropriate comments amounting to unwanted sexual advances she asked him to cease and desist and also complained to the Director Maksad. Upon information and belief, Defendant Ali was offended by a woman attempting to check his behaviors and therefore sought retribution.

20. On dates after April 24, 2018, upon information and belief when asked by others outside the foundation why Plaintiff had departed the Foundation's employ he again repeated these lies. Upon information and belief, Defendant Ali decided that he would enact his revenge against Plaintiff for her audacity of standing up for herself by besmirching her professional and personal reputation.

21. These mendacious statements were made by Defendant Ali knowing them to be false and intending to hurt her future career prospects.

22. These statements describing Plaintiffs could not be further from the truth. Plaintiff Ola had every right to demand that Defendant Ali cease and desist from his improper comments toward her and other woman. Additionally, at all times Plaintiff competently and diligently fulfilled her duties as a Director of Communications. Neither Defendant took steps to address her complaints and allowed a hostile work environment to fester for the entirety of her tenure and then to add insult to injury sought to poison the well and hurt her future employment prospects within the close knit Arab community and elsewhere by besmirching her integrity and credibility.

23. These statements were made to and in the presence of others to damage the reputation of Plaintiff in retribution for her audacity to challenge Defendant Ali to be respectful and appropriate to her and other woman in the office.

24. Because of Defendants' publication of these defamatory statements that Defendants they knew to be untrue and/or published it with a disregard to its truth or falsity, Plaintiffs sustained significant reputational, financial, and emotional damages. In particular, the publishing of these statements caused Plaintiff OLA to lose the respect of members of the Arab community, the journalistic and communications sectors and has caused Plaintiff to suffer greatly as previously described.

FIRST CAUSE OF ACTION

Intentional Tort – Defamation or Slander

(As against both Defendants)

25. Plaintiffs repeat, reiterate, and re-allege each and every allegation above as though set forth herein.

26. In order to state a cause of action for slander or defamation, a plaintiff must allege that the defendant either published or made a false and defamatory statement concerning the plaintiff or at the least made a statement before others designed to hurt the others reputational interest knowing it was false or made with reckless disregard to its truth or falsity. Plaintiff is not a public figure despite formerly being a Director of Communications so does not need to prove malice but nonetheless meets this standard given the Defendant's reckless disregard for the truth and evident malice.

27. Further, a cause of action for defamation and/or slander is met when the false statements utterly injure a plaintiff in his trade, business, or profession or accuse him of committing a criminal offense. When this occurs, the plaintiff does not need to show that actual damages resulted from the publishing of the defamatory statement.

28. Through their making these statements before others at events and before others in the office Defendants made several false and defamatory statements concerning Plaintiff. In addition, these statements injured Plaintiff OLA as a professional journalist and media and communications professional.

29. Namely, Defendants published statements calling Plaintiff "flipped" was "a hypocrite" a "mercenary" and therefore dishonest and untrustworthy and also "spoiled" which were baseless and spurious accusations, and calling Plaintiff OLA these things was designed to be retaliation for complaining about a hostile work environment. Additionally, Defendant demanding kisses could lead others in the office or industry to believe that the Plaintiff who is a married woman was in an illicit and adulterous affair with the Defendant which was not the case and which is highly offensive to Plaintiff.

30. Defendants knew that these statements were false or acted with reckless disregard in determining whether it was true or false. These statements were made or published in retribution for Plaintiffs' complaints and to destroy Plaintiffs' credibility in the community.

31. By reason of the foregoing acts of Defendants, Plaintiffs sustained, and will continue to sustain, serious economic, financial, reputational, and emotional damages, in particular to her ability to work as a journalist or as a Director of Communications or in a similar capacity and to Plaintiff's mental health as an individual whose self-image was damaged by the relentless and negative work environment and unwanted sexual comments she was subjected to.

SECOND CAUSE OF ACTION

Intentional Tort – False Light Invasion of Privacy (As against both Defendants)

32. Plaintiffs repeat, reiterate, and re-allege each and every allegation above as though set forth herein.

33. In order to state a cause of action for false light invasion of privacy, a plaintiff must allege that the defendant publically disclosed a false statement concerning the plaintiff that would be highly offensive to a reasonable person. When the plaintiff is a public figure, she must also allege that the statement was made with actual malice, meaning that the party who published the statement knew it was false or acted with reckless disregard to its truth or falsity. Plaintiff is not a public figure despite formerly being a Director of Communications but nonetheless meets this standard given the Defendant's reckless disregard for the truth and evident malice

34. Through their making and/or publishing of these statements Defendants publicly disclosed or made false statements concerning Plaintiff.

35. Namely, Defendants published or made statements calling Plaintiff a hypocrite, a mercenary and spoiled - entirely baseless and spurious accusations made to cover up Defendant

Ali's misconduct. To compound this Defendant Ali publicly shouted at Plaintiff treating her like a minion instead of a professional and demanded kisses to embarrass and degrade her reputation.

36. Defendants knew that these statements were false or acted with reckless disregard in determining whether they were true or false. These statements were made or published by Defendants in order to seek retribution and to destroy Plaintiffs' credibility in the professional community.

37. In addition, a reasonable person would certainly be offended by these statements.

38. By reason of the foregoing acts of Defendants, Plaintiff sustained, and will continue to sustain, serious economic, financial, reputational, and emotional damages, in particular to their ability to work in her chosen field.

THIRD CAUSE OF ACTION

Intentional Tort – Intentional Infliction of Emotional Distress (As against both Defendants)

39. Plaintiffs repeat, reiterate, and re-allege each and every allegation above as though set forth herein.

40. In order to state a cause of action for intentional infliction of emotional distress, a plaintiff must allege that the defendant acted extremely and outrageously, which intentionally or recklessly caused the plaintiff severe emotional distress.

41. Through their making of publishing of these statements that labeled Plaintiff as "a hypocrite" "a mercenary" and therefore dishonest and untrustworthy and "spoiled" Defendants acted extremely and outrageously. Additionally, by demanding kisses before others especially he demeaned and besmirched her reputation creating a false impression she was unfaithful to her husband and involved with the Defendant in a meritorious or illicit way.

42. Defendants made or published these false statements intentionally in order to seek retribution and to destroy Plaintiffs' credibility in the professional community.

43. By reason of the foregoing acts of Defendants, Plaintiffs sustained, and will continue to sustain, severe emotional damages, from the pain of being labeled as a "a hypocrite", "mercenary" "spoiled" and dishonest and not trustworthy.

FOURTH CAUSE OF ACTION

(SEXUAL HARASSMENT: HOSTILE WORKPLACE & CONSTRUCTIVE DISCHARGE – AGAINST ALL DEFENDANTS)

44. Plaintiff repeats, reiterates and re-alleges each and every allegation set forth in paragraphs numbered "1" through "43" as if set forth more fully and at length herein.

45. DC and Federal law, prohibit sexual harassment in employment. Defendants were Plaintiffs employers within the meaning of those laws.

46. Plaintiff deserved to retain her employment with Defendants did not do anything to merit discharge or discipline. Nevertheless, Defendants denied Plaintiff the benefits of employment, including all favorable conditions and emoluments thereof and created and allowed to exist a hostile, intolerable workplace based on sexual harassment that imposed upon her by the conduct of its employees and of which they were well aware of and without any non-discriminatory basis therefor, and thereby constructively discharged her.

47. Defendants' actions were taken under circumstances giving rise to an inference of discrimination.

48. As a direct and proximate result of Defendants' discriminatory conduct, Plaintiff suffered adverse employment consequences. Plaintiff was caused to suffer lost past and future wages, professional opportunities, other valuable benefits and emoluments of employment as well as to endure severe emotional pain and trauma, all to her detriment.

FIFTH CAUSE OF ACTION

(GENDER DISCRIMINATION – AGAINST ALL DEFENDANTS)

49. Plaintiff repeats, reiterates and re-alleges each and every allegation set forth in paragraphs numbered “1” through “48” as if set forth more fully and at length herein.

50. Federal and DC law, including Title VII of the Civil Rights Act of 1964 and the D.C. Human Rights Act of 1977, prohibit gender discrimination in employment. Defendants were Plaintiffs employers within the meaning of those laws.

51. Plaintiff deserved to retain her employment with Defendants and did not do anything to merit discharge or discipline. Nevertheless, Defendants denied Plaintiff the benefit of employment, including all favorable conditions and emoluments thereof, because of hostility to Plaintiff based on her gender (female) and without any non-discriminatory basis thereof. Other employees who were male were not subject to the same acts of discrimination.

52. Defendants’ actions were taken under circumstances giving rise to an inference of discrimination.

53. As a direct and proximate result of Defendants’ discriminatory conduct, Plaintiff suffered adverse employment consequences. Plaintiff was caused to suffer lost past and future wages, professional opportunities, other valuable benefits and emoluments of employment as well as to endure severe emotional pain and trauma, all to her detriment.

SIXTH CAUSE OF ACTION

(RETALIATION – AGAINST ALL DEFENDANTS)

54. Plaintiff repeats, reiterates and re-alleges each and every allegation set forth in paragraphs numbered “1” through “53” as if set forth more fully and at length herein.

55. Federal and DC law, including code # 32-1542 prohibit retaliation against an employee who seeks to assert rights under the law.

56. Defendants were Plaintiff's employers within the meaning of those laws.

57. Plaintiff complained to Defendants about the mistreatment based on gender, race and sexual harassment inflicted upon her by employees, her immediate supervisors of Defendants. In response, Plaintiff was subjected to additional mistreatment until her working conditions became unbearable, all with the knowledge and approval of Defendants for the purpose of punishing her for attempting to assert her rights.

58. Defendants' actions were taken under circumstances giving rise to an inference of discrimination.

59. As a direct and proximate result of Defendants' discriminatory conduct, Plaintiff suffered adverse employment consequences. Plaintiff was caused to suffer lost past and future wages, professional opportunities, other valuable benefits and emoluments of employment as well as to endure severe emotional pain and trauma, all to her detriment.

SEVENTH CAUSE OF ACTION

(TORTIOUS INTERFERENCE WITH PROSPECTIVE BUSINESS RELATIONSHIPS—AGAINST ALL DEFENDANTS)

60. Plaintiff repeats, reiterates and re-alleges each and every allegation set forth in paragraphs numbered "1" through "59" as if set forth more fully and at length herein.

61. Under D.C. law, a claim for tortious interference with prospective business relationships requires: "(1) the existence of a valid business relationship or expectancy, (2) knowledge of the relationship or expectancy on the part of the interferer, (3) intentional interference inducing or causing a breach or termination of the relationship or expectancy, and (4) resultant damage." Jankovic v. Int'l Crisis Grp., 593 F.3d 22, 29

(D.C. Cir. 2010) (quoting Bennett Enterprises v. Domino's Pizza, Inc., 45 F.3d 493, 499 (D.C. Cir. 1995)). "Valid business expectancies may include lost future contracts and lost opportunities to obtain customers." Command Consulting Grp., LLC v. Neuraliq, Inc., 623 F. Supp. 2d 49, 52 (D.D.C. 2009).

62. Defendants negative public comment at public forums indicating that plaintiff had flipped and his tweets and emails and comments to other journalists and editors indicating Plaintiff was a hypocrite and mercenary indicating she was dishonest and for hire and could not be trusted and that she lacked credibility interfered with her prospects as a Freelance Journalists and was intended to discourage editors from rehiring her and others from publishing or republishing her reportage thereby interfering with existing business relationships and expected ones.
63. As a direct and proximate result of Defendants' interference, Plaintiff suffered adverse employment consequences. Plaintiff was caused to suffer lost past and future wages, professional opportunities, other valuable benefits and emoluments of employment all to her detriment.

JURY DEMAND

Plaintiffs hereby demand a trial by jury as to all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, upon all of the facts and circumstances herein alleged, Plaintiff respectfully request that this Court:

- A. Grant judgment against Defendants on each and every cause of action alleged herein;
- B. Grant an order awarding Plaintiff damages in an amount to be determined at trial, together with interest and the costs and disbursements of this action, plus reasonable attorneys' fees, punitive damages, as well as any other damages permitted to be recovered by law pursuant to the above causes of action; and
- C. Grant any such further relief as the Court deems just, proper, and equitable.

Dated: April 23, 2019
Garden City, New York

GERSTMAN SCHWARTZ LLP

By: /s/ David M. Schwartz

David M. Schwartz, Esq.
1399 Franklin Avenue, Suite 200
Garden City, New York 11530
Tel. No.: (516) 880 – 8170
dschwartz@gerstmanschwartz.com
Bar No.: 208813



**Superior Court of the District of Columbia
CIVIL DIVISION
Civil Actions Branch**
500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001
Telephone: (202) 879-1133 Website: www.dccourts.gov

Ola Salem

Plaintiff

the Arabia Foundation, and
Ali Shihabi vs.

Case Number

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty one (21) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

You are also required to file the original Answer with the Court in Suite 5000 at 500 Indiana Avenue, N.W., between 8:30 a.m. and 5:00 p.m., Mondays through Fridays or between 9:00 a.m. and 12:00 noon on Saturdays. You may file the original Answer with the Court either before you serve a copy of the Answer on the plaintiff or within seven (7) days after you have served the plaintiff. If you fail to file an Answer, judgment by default may be entered against you for the relief demanded in the complaint.

David M. Schwartz

Clerk of the Court

Name of Plaintiff's Attorney

1399 Franklin Ave., STE 200
Address Garden City, NY 11530
STE-850-8170

By

Deputy Clerk

Telephone

Date

如需翻译, 请打电话 (202) 879-4828

Veuillez appeler au (202) 879-4828 pour une traduction

Để có một bài dịch, hãy gọi (202) 879-4828

IMPORTANT: IF YOU FAIL TO FILE AN ANSWER WITHIN THE TIME STATED ABOVE, OR IF, AFTER YOU ANSWER, YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY DAMAGES OR OTHER RELIEF DEMANDED IN THE COMPLAINT. IF THIS OCCURS, YOUR WAGES MAY BE ATTACHED OR WITHHELD OR PERSONAL PROPERTY OR REAL ESTATE YOU OWN MAY BE TAKEN AND SOLD TO PAY THE JUDGMENT. IF YOU INTEND TO OPPOSE THIS ACTION, *DO NOT FAIL TO ANSWER WITHIN THE REQUIRED TIME.*

If you wish to talk to a lawyer and feel that you cannot afford to pay a fee to a lawyer, promptly contact one of the offices of the Legal Aid Society (202-628-1161) or the Neighborhood Legal Services (202-279-5100) for help or come to Suite 5000 at 500 Indiana Avenue, N.W., for more information concerning places where you may ask for such help.

See reverse side for Spanish translation
Vea al dorso la traducción al español



Superior Court of the District of Columbia

CIVIL DIVISION

Civil Actions Branch

500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001

Telephone: (202) 879-1133 Website: www.dccourts.gov

Ola Salem

Plaintiff

vs.
The Arabia Foundation, and
Ali Shihabi

Case Number _____

Defendant

SUMMONS

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David M. Schwartz

Name of Plaintiff's Attorney

Clerk of the Court

1399 Franklin Ave., STE 100

Address
Garden City, NY 11530

By _____

Deputy Clerk

516-880-8170

Date _____

Telephone

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Veuillez appeler au (202) 879-4828 pour une traduction

Đã có một bài dịch, hãy gọi (202) 879-4828

번역을 원하시면, (202) 879-4828로 전화주세요. ☎ 202-879-4828 (202) 879-4828 ☎

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Vea al dorso la traducción al español

Superior Court of the District of Columbia

CIVIL DIVISION- CIVIL ACTIONS BRANCH

INFORMATION SHEET

Ola Salem
the Arabic vs Foundation,
Ali Shihabi

Case Number: _____

Date: 4/23/19

One of the defendants is being sued
in their official capacity.

Name: (Please Print)	<u>David M. Schwartz</u>	Relationship to Lawsuit
Firm Name:	<u>Gierstman Schwartz LLP</u>	<input checked="" type="checkbox"/> Attorney for Plaintiff <input type="checkbox"/> Self (Pro Se) <input type="checkbox"/> Other: _____
Telephone No.:	Six digit Unified Bar No.: <u>576-880-8170</u> <u>208813</u>	

TYPE OF CASE: Non-Jury 6 Person Jury 12 Person Jury

Demand: \$ To be determined at trial Other: _____

PENDING CASE(S) RELATED TO THE ACTION BEING FILED

Case No.: _____ Judge: _____ Calendar #: _____

Case No.: _____ Judge: _____ Calendar #: _____

NATURE OF SUIT: (Check One Box Only)

A. CONTRACTS

COLLECTION CASES

- | | | |
|---|---|---|
| <input type="checkbox"/> 01 Breach of Contract | <input type="checkbox"/> 14 Under \$25,000 Pltf. Grants Consent | <input type="checkbox"/> 16 Under \$25,000 Consent Denied |
| <input type="checkbox"/> 02 Breach of Warranty | <input type="checkbox"/> 17 OVER \$25,000 Pltf. Grants Consent | <input type="checkbox"/> 18 OVER \$25,000 Consent Denied |
| <input type="checkbox"/> 06 Negotiable Instrument | <input type="checkbox"/> 27 Insurance/Subrogation | <input type="checkbox"/> 26 Insurance/Subrogation |
| <input type="checkbox"/> 07 Personal Property | Over \$25,000 Pltf. Grants Consent | Over \$25,000 Consent Denied |
| <input type="checkbox"/> 13 Employment Discrimination | <input type="checkbox"/> 07 Insurance/Subrogation | <input type="checkbox"/> 34 Insurance/Subrogation |
| <input type="checkbox"/> 15 Special Education Fees | Under \$25,000 Pltf. Grants Consent | Under \$25,000 Consent Denied |
| | <input type="checkbox"/> 28 Motion to Confirm Arbitration Award (Collection Cases Only) | |

B. PROPERTY TORTS

- | | | |
|---|---|--------------------------------------|
| <input type="checkbox"/> 01 Automobile | <input type="checkbox"/> 03 Destruction of Private Property | <input type="checkbox"/> 05 Trespass |
| <input type="checkbox"/> 02 Conversion | <input type="checkbox"/> 04 Property Damage | |
| <input type="checkbox"/> 07 Shoplifting, D.C. Code § 27-102 (a) | | |

C. PERSONAL TORTS

- | | | |
|---|--|---|
| <input type="checkbox"/> 01 Abuse of Process | <input type="checkbox"/> 10 Invasion of Privacy | <input checked="" type="checkbox"/> 17 Personal Injury- (Not Automobile, Not Malpractice) |
| <input type="checkbox"/> 02 Alienation of Affection | <input type="checkbox"/> 11 Libel and Slander | <input type="checkbox"/> 18 Wrongful Death (Not Malpractice) |
| <input type="checkbox"/> 03 Assault and Battery | <input type="checkbox"/> 12 Malicious Interference | <input type="checkbox"/> 19 Wrongful Eviction |
| <input type="checkbox"/> 04 Automobile- Personal Injury | <input type="checkbox"/> 13 Malicious Prosecution | <input type="checkbox"/> 20 Friendly Suit |
| <input type="checkbox"/> 05 Deceit (Misrepresentation) | <input type="checkbox"/> 14 Malpractice Legal | <input type="checkbox"/> 21 Asbestos |
| <input type="checkbox"/> 06 False Accusation | <input type="checkbox"/> 15 Malpractice Medical (Including Wrongful Death) | <input type="checkbox"/> 22 Toxic/Mass Torts |
| <input type="checkbox"/> 07 False Arrest | <input type="checkbox"/> 16 Negligence- (Not Automobile, Not Malpractice) | <input type="checkbox"/> 23 Tobacco |
| <input type="checkbox"/> 08 Fraud | | <input type="checkbox"/> 24 Lead Paint |

SEE REVERSE SIDE AND CHECK HERE

IF USED

Information Sheet, Continued

C. OTHERS

- 01 Accounting
- 02 Att. Before Judgment
- 05 Ejectment
- 09 Special Writ/Warrants
(DC Code § 11-941)
- 10 Traffic Adjudication
- 11 Writ of Replevin
- 12 Enforce Mechanics Lien
- 16 Declaratory Judgment
- 17 Merit Personnel Act (OEA)
(D.C. Code Title 1, Chapter 6)
- 18 Product Liability
- 24 Application to Confirm, Modify,
Vacate Arbitration Award (DC Code § 16-4401)
- 29 Merit Personnel Act (OHR)
- 31 Housing Code Regulations
- 32 Qui Tam
- 33 Whistleblower

II.

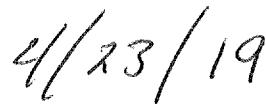
- 03 Change of Name
- 06 Foreign Judgment/Domestic
- 08 Foreign Judgment/International
- 13 Correction of Birth Certificate
- 14 Correction of Marriage
Certificate
- 26 Petition for Civil Asset Forfeiture (Vehicle)
- 27 Petition for Civil Asset Forfeiture (Currency)
- 28 Petition for Civil Asset Forfeiture (Other)
- 15 Libel of Information
- 19 Enter Administrative Order as
Judgment [D.C. Code §
2-1802.03 (h) or 32-151.9 (a)]
- 20 Master Meter (D.C. Code §
42-3301, et seq.)
- 21 Petition for Subpoena
[Rule 28-I (b)]
- 22 Release Mechanics Lien
- 23 Rule 27(a)(1)
(Perpetuate Testimony)
- 24 Petition for Structured Settlement
- 25 Petition for Liquidation

D. REAL PROPERTY

- 09 Real Property-Real Estate
- 12 Specific Performance
- 04 Condemnation (Eminent Domain)
- 10 Mortgage Foreclosure/Judicial Sale
- 11 Petition for Civil Asset Forfeiture (RP)
- 08 Quiet Title
- 25 Liens: Tax / Water Consent Granted
- 30 Liens: Tax / Water Consent Denied
- 31 Tax Lien Bid Off Certificate Consent Granted



Attorney's Signature



Date

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division

-----X

OLA SALEM
1861 S George Mason DR,
Arlington, VA 22204

Plaintiffs,

2019 CA 002651 B

Civil Action No.: _____

-against-

ARABIA FOUNDATION
1779 Massachusetts Ave NW, Suite 805
Washington, DC 20036

and

ALI SHIHABI
1779 Massachusetts Ave NW, Suite 805
Washington, DC 20036

Defendants.

-----X

COMPLAINT

Plaintiffs, OLA SALEM (“OLA”) (the “Plaintiff”), by and through her attorneys, Gerstman Schwartz LLP, complaining of the Defendants the ARABIA FOUNDATION (“Defendant Foundation”) and ALI SHIHABI (“Defendant Ali”) (collectively, “Defendants”), set forth and alleges as follows:

PRELIMINARY STATEMENT

1. This action arises from the defamatory and abusive statements and harassment by Defendants against Plaintiff Ola Salem. She met with the Defendant Ali, who is listed as “the Founder” of the Defendant Foundation in June of 2017. Defendant Ali runs the Defendant Foundation. At the initial meeting Plaintiff asked for assurances that the Foundation was not funded by the Saudi government. As a journalist this was important to her. She was expressly assured by Defendants that such was not the case. Since then she has heard from colleagues that

in fact the Foundation does receive Saudi Arabian funds which in Plaintiff's mind may explain some of the Defendant's pejorative and damaging statements made about her after she left the Foundation's employ and interference with her livelihood.

2. In any case Plaintiff was hired immediately by the Defendant Foundation as its Communications Director starting work on July 3rd of 2017 supposedly because of her aptitude and ability and background in journalism. Plaintiff had worked for five years at The National a respected Abu Dhabi, UAE publication covering the UAE parliament and important stories of international significance like the conditions at Syrian refugee camps. Plaintiff graduated with honors from University majoring in Journalism in 2010. On her very first day working for the Foundation the Defendant at a business lunch told her in a wildly inappropriate statement that "All the girls I want to date are journalists." Plaintiff was made uncomfortable by the statement and noted she was married. Defendant also said to Plaintiff "I was looking for someone your age. I didn't want someone with children. I know that illegal to say." At another time he told Plaintiff. "Can you really do the job given its time and travel demands? I know your husband is an Arab."

3. During and after her employ Defendants repeatedly caused tortious injury to Plaintiffs by publishing defamatory statements about the Plaintiff in the District of Columbia. To add insult to injury almost from the moment Ola started the job Defendant Ali was verbally abusive, made her uncomfortable on a daily basis with express salacious or suggestive sexual remarks about her as well as making fun of Arabic women generally. To make matters worse Defendant Ali gratuitously spoke about his desires and preferences in her presence despite her repeated request that he refrain from doing so and indications that such made her very uncomfortable.

4. He also berated and demeaned her in public and was mentally abusive on a daily basis. Among offensive comments he made were “If you don’t do a good job for this event I’ll behead you” He also shouted at her in front of colleagues and at an event treated her like a waitress bellowing “why are peoples cups half empty.” On another occasion he critiqued female employees attire stating such was “ugly” and What is she wearing” and yelled at the Plaintiff telling her you should make sure that she wears more attractive attire. Most egregiously he asked things like “Come over here – I didn’t get my morning kiss today.” Plaintiff repeatedly reminded Defendant these demands and statements were inappropriate – as a married woman and a professional she did not appreciate this. On or about March 24 the of 2018 he shouted at her as he has on numerous other occasions, he berated her in front of Director Firas Maksad calling her incompetent and denigrated her and made comments about woman being “stupid” for not retweeting a Twitter post. Director Firas knew about all the inappropriate and off-color comments and took no action to address same despite her complaints. Instead he offered to increase her salary for her putting up with the negative work environment.

5. Defendant also would barge into Plaintiff’s office without knocking and on one such occasion felt the need to offer that a member of the advisory board was dating a journalist. He then licked his lips and said “it pays off to have a journalist girlfriend.” He also repeatedly made undignified comments about female journalist, particularly those of Arab descent. He would call them stupid or foolish. He also stereotyped me – indicated I was a typical spoiled Arab woman. He also pressed another female employee to date his son and when the employee stood up his son on that date he blamed me and called me “useless”

6. On another occasion he made fun of an Egyptian colleague’s accent in front of me knowing that I was of Egyptian descent. In April up until and including April 24th the Defendant

continued to make inappropriate comments stating “You look tired. Long night? Is it because you are a mother or something else?” Inexcusably and rather inexplicably he also made vulgar and culturally insensitive and insulting statements about Plaintiff as an Arab woman. As a result, Plaintiff Ola only lasted 9 months at the Foundation. As a further result of his unsolicited and unwanted sexual and unwelcome sexual remarks and misogynistic and demeaning statements many of the other female employees left as well.

7. Understandably his actions and statements and unwanted verbal innuendo and advances caused Plaintiff Ola to become depressed, suffer weight and, hair loss and bouts of nervousness, and an eating disorder devastating her self-image and adversely impacting on her life at home and at work. Besides creating a hostile work environment which continued up until the very day she left her employment claims Defendant Ali after her departure continued to make inappropriate and negative statements about her abilities and her physiology even after she was no longer in the employ of the Foundation in a campaign to destroy her and her credibility 0stating ins um and substance you should never get another job in journalism.

POST EMPLOYMENT

8. In May of 2018 Plaintiff tweeted something that he found problematic because it could be seen as a critique of the Saudi government. He responded to her tweet with “would you have said this if you were still on our payroll?” snidely besmirching her integrity as a journalist as if one’s role in a “think tank” is the same in every respect as that of an independent journalist regardless of who his paymasters may be.

9. Once again on June of 2018 on Twitter he stated “Ola …after a year of praising Saudi [while in our employ] you start to criticize…sends a message… that you are a mercenary

with no values” Plainly this was intending to defame and discredit the Plaintiff and intimate her from voicing her opinions and an attempt to cow her into silence.

10. In August of 2018 he emailed the Plaintiff that “At la Reserve in Geneva, [a public forum … Defendant told].... Everybody…*you flipped on us*....Who can understand women?;)” In October of 2018 after Plaintiff published a story on Jamal Khashoggi’s infamous murder by Saudi operatives the Defendants sinistly requested Plaintiff’s editor’s email clearly seeking to intimidate Plaintiff and besmirch her professional reputation and prospects. Later in October Defendant send a written message to another journalist who had been promoting Plaintiff’s Khashoggi article and again Defendant sought to discredit her integrity stating in sum and substance that when she was on the now blatantly pro-Saudi Foundations payroll she and her husband were more favorable to the Saudi government but now “watch out for hypocritical and mercenary commentary.” Clearly these comments were intended to sully her professional reputation and perhaps silence her. In March of 2019 he published a tweet to Plaintiff’s husband stating “you are total hypocrites...I kept my both shut when you both started...to be anti-Saudi... even about the info from the journalist that I have on file for some time to use for a day like this. Patience has its limits” referencing some kind of Nixonian veiled threat to release some damaging information to intimidate Plaintiff and her husband.

11. Venue properly lies in this Court because Defendants are located in the District of Columbia and this action concerns Defendants’ activities within the District of Columbia.

PARTIES

12. The Defendant Foundation describes itself as a Washington DC-based think tank focused on the geopolitics and socioeconomics of the Middle East with a particular focus on the states of the Arabian Peninsula.

13. Established in 2017 The Defendant Foundation describes its core mission as providing insights and encouraging debate on the domestic and foreign politics of key regional states and non-state actors as well as their relationships with the United States aiming to highlight and contextualize the significant social and economic transformations that are currently taking place within many of these countries.

14. The Defendant Foundation indicates its reports, analyses, commentary, and events are designed to be a resource for policy-makers, academics, think tank professionals, and media who wish to better understand the complexities of an opaque part of the world that remains critical to global stability.

15. The Defendant Foundation represents that it is a registered 501(c)(4) non-profit entity and also asserts that it is “privately” funded by “corporate and individual” donations.

16. Defendant Ali is the Founder of The Defendant Foundation. In this capacity, Plaintiff Ali personally appears on television networks and publishing articles that cover major issues surrounding the geopolitics and socioeconomics of the Middle East.

17. Defendant Foundation is a not-for-profit “think tank” with its principal place of business in Washington, District of Columbia. Defendant Foundation seeks to advances its views with a United States-based audience.

18. Defendant Ali is the Founder and president of Defendant Foundation. In this capacity, Defendant Ali has made numerous television appearances and written articles that advance the interests of Defendant the Foundation. In the scope of his duties to Defendant Foundation, on numerous occasions Defendant Ali publicly disparaged Plaintiff thereby publishing or making defamatory and thoroughly damaging statements, calling Plaintiff Ola “a hypocrite” and “mercenary” and besmirching her independence, integrity and credibility as a

journalist. Defendant Ali knew that these statements would impair Plaintiffs future job prospects and her career as a journalist or communications professional. Defendant Ali's purpose in publishing these statements was to get revenge against Plaintiff for complaining about his sexual harassments and his creation of a hostile work place and again to undermine her credibility as an objective journalist.

FACTUAL ALLEGATIONS

19. On March 20, 2018, Plaintiffs stated before colleagues and others that Plaintiff was "mercenary and a hypocrite" indicating she was dishonest and not to be trusted. This compounded earlier comment that she was "useless." He also stated that she had to be dismissed because she could not fulfill her duties – that she "flipped" implying she was crazy or disloyal. He stated he would "behead her." He demanded morning kisses in front of others. At all times he knew the descriptive statements to be false but upon information and belief made them in order to destroy Plaintiff's credibility because of her previously complaints about his salacious and improper sexual comments to her and other woman working at the Foundation. At all times with regard to inappropriate comments amounting to unwanted sexual advances she asked him to cease and desist and also complained to the Director Maksad. Upon information and belief, Defendant Ali was offended by a woman attempting to check his behaviors and therefore sought retribution.

20. On dates after April 24, 2018, upon information and belief when asked by others outside the foundation why Plaintiff had departed the Foundation's employ he again repeated these lies. Upon information and belief, Defendant Ali decided that he would enact his revenge against Plaintiff for her audacity of standing up for herself by besmirching her professional and personal reputation.

21. These mendacious statements were made by Defendant Ali knowing them to be false and intending to hurt her future career prospects.

22. These statements describing Plaintiffs could not be further from the truth. Plaintiff Ola had every right to demand that Defendant Ali cease and desist from his improper comments toward her and other woman. Additionally, at all times Plaintiff competently and diligently fulfilled her duties as a Director of Communications. Neither Defendant took steps to address her complaints and allowed a hostile work environment to fester for the entirety of her tenure and then to add insult to injury sought to poison the well and hurt her future employment prospects within the close knit Arab community and elsewhere by besmirching her integrity and credibility.

23. These statements were made to and in the presence of others to damage the reputation of Plaintiff in retribution for her audacity to challenge Defendant Ali to be respectful and appropriate to her and other woman in the office.

24. Because of Defendants' publication of these defamatory statements that Defendants they knew to be untrue and/or published it with a disregard to its truth or falsity, Plaintiffs sustained significant reputational, financial, and emotional damages. In particular, the publishing of these statements caused Plaintiff OLA to lose the respect of members of the Arab community, the journalistic and communications sectors and has caused Plaintiff to suffer greatly as previously described.

FIRST CAUSE OF ACTION

Intentional Tort – Defamation or Slander

(As against both Defendants)

25. Plaintiffs repeat, reiterate, and re-allege each and every allegation above as though set forth herein.

26. In order to state a cause of action for slander or defamation, a plaintiff must allege that the defendant either published or made a false and defamatory statement concerning the plaintiff or at the least made a statement before others designed to hurt the others reputational interest knowing it was false or made with reckless disregard to its truth or falsity. Plaintiff is not a public figure despite formerly being a Director of Communications so does not need to prove malice but nonetheless meets this standard given the Defendant's reckless disregard for the truth and evident malice.

27. Further, a cause of action for defamation and/or slander is met when the false statements utterly injure a plaintiff in his trade, business, or profession or accuse him of committing a criminal offense. When this occurs, the plaintiff does not need to show that actual damages resulted from the publishing of the defamatory statement.

28. Through their making these statements before others at events and before others in the office Defendants made several false and defamatory statements concerning Plaintiff. In addition, these statements injured Plaintiff OLA as a professional journalist and media and communications professional.

29. Namely, Defendants published statements calling Plaintiff "flipped" was "a hypocrite" a "mercenary" and therefore dishonest and untrustworthy and also "spoiled" which were baseless and spurious accusations, and calling Plaintiff OLA these things was designed to be retaliation for complaining about a hostile work environment. Additionally, Defendant demanding kisses could lead others in the office or industry to believe that the Plaintiff who is a married woman was in an illicit and adulterous affair with the Defendant which was not the case and which is highly offensive to Plaintiff.

30. Defendants knew that these statements were false or acted with reckless disregard in determining whether it was true or false. These statements were made or published in retribution for Plaintiffs' complaints and to destroy Plaintiffs' credibility in the community.

31. By reason of the foregoing acts of Defendants, Plaintiffs sustained, and will continue to sustain, serious economic, financial, reputational, and emotional damages, in particular to her ability to work as a journalist or as a Director of Communications or in a similar capacity and to Plaintiff's mental health as an individual whose self-image was damaged by the relentless and negative work environment and unwanted sexual comments she was subjected to.

SECOND CAUSE OF ACTION

Intentional Tort – False Light Invasion of Privacy (As against both Defendants)

32. Plaintiffs repeat, reiterate, and re-allege each and every allegation above as though set forth herein.

33. In order to state a cause of action for false light invasion of privacy, a plaintiff must allege that the defendant publically disclosed a false statement concerning the plaintiff that would be highly offensive to a reasonable person. When the plaintiff is a public figure, she must also allege that the statement was made with actual malice, meaning that the party who published the statement knew it was false or acted with reckless disregard to its truth or falsity. Plaintiff is not a public figure despite formerly being a Director of Communications but nonetheless meets this standard given the Defendant's reckless disregard for the truth and evident malice

34. Through their making and/or publishing of these statements Defendants publicly disclosed or made false statements concerning Plaintiff.

35. Namely, Defendants published or made statements calling Plaintiff a hypocrite, a mercenary and spoiled - entirely baseless and spurious accusations made to cover up Defendant

Ali's misconduct. To compound this Defendant Ali publicly shouted at Plaintiff treating her like a minion instead of a professional and demanded kisses to embarrass and degrade her reputation.

36. Defendants knew that these statements were false or acted with reckless disregard in determining whether they were true or false. These statements were made or published by Defendants in order to seek retribution and to destroy Plaintiffs' credibility in the professional community.

37. In addition, a reasonable person would certainly be offended by these statements.

38. By reason of the foregoing acts of Defendants, Plaintiff sustained, and will continue to sustain, serious economic, financial, reputational, and emotional damages, in particular to their ability to work in her chosen field.

THIRD CAUSE OF ACTION

Intentional Tort – Intentional Infliction of Emotional Distress (As against both Defendants)

39. Plaintiffs repeat, reiterate, and re-allege each and every allegation above as though set forth herein.

40. In order to state a cause of action for intentional infliction of emotional distress, a plaintiff must allege that the defendant acted extremely and outrageously, which intentionally or recklessly caused the plaintiff severe emotional distress.

41. Through their making of publishing of these statements that labeled Plaintiff as "a hypocrite" "a mercenary" and therefore dishonest and untrustworthy and "spoiled" Defendants acted extremely and outrageously. Additionally, by demanding kisses before others especially he demeaned and besmirched her reputation creating a false impression she was unfaithful to her husband and involved with the Defendant in a meritorious or illicit way.

42. Defendants made or published these false statements intentionally in order to seek retribution and to destroy Plaintiffs' credibility in the professional community.

43. By reason of the foregoing acts of Defendants, Plaintiffs sustained, and will continue to sustain, severe emotional damages, from the pain of being labeled as a "a hypocrite", "mercenary" "spoiled" and dishonest and not trustworthy.

FOURTH CAUSE OF ACTION

(SEXUAL HARASSMENT: HOSTILE WORKPLACE & CONSTRUCTIVE DISCHARGE – AGAINST ALL DEFENDANTS)

44. Plaintiff repeats, reiterates and re-alleges each and every allegation set forth in paragraphs numbered "1" through "43" as if set forth more fully and at length herein.

45. DC and Federal law, prohibit sexual harassment in employment. Defendants were Plaintiffs employers within the meaning of those laws.

46. Plaintiff deserved to retain her employment with Defendants did not do anything to merit discharge or discipline. Nevertheless, Defendants denied Plaintiff the benefits of employment, including all favorable conditions and emoluments thereof and created and allowed to exist a hostile, intolerable workplace based on sexual harassment that imposed upon her by the conduct of its employees and of which they were well aware of and without any non-discriminatory basis therefor, and thereby constructively discharged her.

47. Defendants' actions were taken under circumstances giving rise to an inference of discrimination.

48. As a direct and proximate result of Defendants' discriminatory conduct, Plaintiff suffered adverse employment consequences. Plaintiff was caused to suffer lost past and future wages, professional opportunities, other valuable benefits and emoluments of employment as well as to endure severe emotional pain and trauma, all to her detriment.

FIFTH CAUSE OF ACTION

(GENDER DISCRIMINATION – AGAINST ALL DEFENDANTS)

49. Plaintiff repeats, reiterates and re-alleges each and every allegation set forth in paragraphs numbered “1” through “48” as if set forth more fully and at length herein.

50. Federal and DC law, including Title VII of the Civil Rights Act of 1964 and the D.C. Human Rights Act of 1977, prohibit gender discrimination in employment. Defendants were Plaintiffs employers within the meaning of those laws.

51. Plaintiff deserved to retain her employment with Defendants and did not do anything to merit discharge or discipline. Nevertheless, Defendants denied Plaintiff the benefit of employment, including all favorable conditions and emoluments thereof, because of hostility to Plaintiff based on her gender (female) and without any non-discriminatory basis thereof. Other employees who were male were not subject to the same acts of discrimination.

52. Defendants’ actions were taken under circumstances giving rise to an inference of discrimination.

53. As a direct and proximate result of Defendants’ discriminatory conduct, Plaintiff suffered adverse employment consequences. Plaintiff was caused to suffer lost past and future wages, professional opportunities, other valuable benefits and emoluments of employment as well as to endure severe emotional pain and trauma, all to her detriment.

SIXTH CAUSE OF ACTION

(RETALIATION – AGAINST ALL DEFENDANTS)

54. Plaintiff repeats, reiterates and re-alleges each and every allegation set forth in paragraphs numbered “1” through “53” as if set forth more fully and at length herein.

55. Federal and DC law, including code # 32-1542 prohibit retaliation against an employee who seeks to assert rights under the law.

56. Defendants were Plaintiff's employers within the meaning of those laws.

57. Plaintiff complained to Defendants about the mistreatment based on gender, race and sexual harassment inflicted upon her by employees, her immediate supervisors of Defendants. In response, Plaintiff was subjected to additional mistreatment until her working conditions became unbearable, all with the knowledge and approval of Defendants for the purpose of punishing her for attempting to assert her rights.

58. Defendants' actions were taken under circumstances giving rise to an inference of discrimination.

59. As a direct and proximate result of Defendants' discriminatory conduct, Plaintiff suffered adverse employment consequences. Plaintiff was caused to suffer lost past and future wages, professional opportunities, other valuable benefits and emoluments of employment as well as to endure severe emotional pain and trauma, all to her detriment.

SEVENTH CAUSE OF ACTION

(TORTIOUS INTERFERENCE WITH PROSPECTIVE BUSINESS RELATIONSHIPS—AGAINST ALL DEFENDANTS)

60. Plaintiff repeats, reiterates and re-alleges each and every allegation set forth in paragraphs numbered "1" through "59" as if set forth more fully and at length herein.

61. Under D.C. law, a claim for tortious interference with prospective business relationships requires: "(1) the existence of a valid business relationship or expectancy, (2) knowledge of the relationship or expectancy on the part of the interferer, (3) intentional interference inducing or causing a breach or termination of the relationship or expectancy, and (4) resultant damage." Jankovic v. Int'l Crisis Grp., 593 F.3d 22, 29

(D.C. Cir. 2010) (quoting Bennett Enterprises v. Domino's Pizza, Inc., 45 F.3d 493, 499 (D.C. Cir. 1995)). "Valid business expectancies may include lost future contracts and lost opportunities to obtain customers." Command Consulting Grp., LLC v. Neuraliq, Inc., 623 F. Supp. 2d 49, 52 (D.D.C. 2009).

62. Defendants negative public comment at public forums indicating that plaintiff had flipped and his tweets and emails and comments to other journalists and editors indicating Plaintiff was a hypocrite and mercenary indicating she was dishonest and for hire and could not be trusted and that she lacked credibility interfered with her prospects as a Freelance Journalists and was intended to discourage editors from rehiring her and others from publishing or republishing her reportage thereby interfering with existing business relationships and expected ones.
63. As a direct and proximate result of Defendants' interference, Plaintiff suffered adverse employment consequences. Plaintiff was caused to suffer lost past and future wages, professional opportunities, other valuable benefits and emoluments of employment all to her detriment.

JURY DEMAND

Plaintiffs hereby demand a trial by jury as to all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, upon all of the facts and circumstances herein alleged, Plaintiff respectfully request that this Court:

- A. Grant judgment against Defendants on each and every cause of action alleged herein;
- B. Grant an order awarding Plaintiff damages in an amount to be determined at trial, together with interest and the costs and disbursements of this action, plus reasonable attorneys' fees, punitive damages, as well as any other damages permitted to be recovered by law pursuant to the above causes of action; and
- C. Grant any such further relief as the Court deems just, proper, and equitable.

Dated: April 23, 2019
Garden City, New York

GERSTMAN SCHWARTZ LLP

By: /s/ David M. Schwartz

David M. Schwartz, Esq.
1399 Franklin Avenue, Suite 200
Garden City, New York 11530
Tel. No.: (516) 880 – 8170
dschwartz@gerstmanschwartz.com
Bar No.: 208813



Superior Court of the District of Columbia

CIVIL DIVISION

Civil Actions Branch

500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001

Telephone: (202) 879-1133 Website: www.dccourts.gov

Ola Salem

Plaintiff

vs.
The Arabia Foundation, and
Ali Shihabi

Case Number 2019 CA 002651 B

Defendant

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty one (21) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

You are also required to file the original Answer with the Court in Suite 5000 at 500 Indiana Avenue, N.W., between 8:30 a.m. and 5:00 p.m., Mondays through Fridays or between 9:00 a.m. and 12:00 noon on Saturdays. You may file the original Answer with the Court either before you serve a copy of the Answer on the plaintiff or within seven (7) days after you have served the plaintiff. If you fail to file an Answer, judgment by default may be entered against you for the relief demanded in the complaint.

David M. Schwartz

Name of Plaintiff's Attorney

1399 Franklin Ave., STE 200
Address Garden City, NY 11530
516-880-8170

Telephone

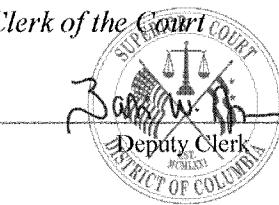
如需翻译,请打电话 (202) 879-4828

Veuillez appeler au (202) 879-4828 pour une traduction

Để có một bài dịch, hãy gọi (202) 879-4828

번역을 원하시면, (202) 879-4828로 전화주세요. የእናገድ ተርጉም ለማግኘት (202) 879-4828 ይደውሉ.

By



Date

04/25/2019

IMPORTANT: IF YOU FAIL TO FILE AN ANSWER WITHIN THE TIME STATED ABOVE, OR IF, AFTER YOU ANSWER, YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY DAMAGES OR OTHER RELIEF DEMANDED IN THE COMPLAINT. IF THIS OCCURS, YOUR WAGES MAY BE ATTACHED OR WITHHELD OR PERSONAL PROPERTY OR REAL ESTATE YOU OWN MAY BE TAKEN AND SOLD TO PAY THE JUDGMENT. IF YOU INTEND TO OPPOSE THIS ACTION, DO NOT FAIL TO ANSWER WITHIN THE REQUIRED TIME.

If you wish to talk to a lawyer and feel that you cannot afford to pay a fee to a lawyer, promptly contact one of the offices of the Legal Aid Society (202-628-1161) or the Neighborhood Legal Services (202-279-5100) for help or come to Suite 5000 at 500 Indiana Avenue, N.W., for more information concerning places where you may ask for such help.

See reverse side for Spanish translation

Vea al dorso la traducción al español



Superior Court of the District of Columbia

CIVIL DIVISION

Civil Actions Branch

500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001

Telephone: (202) 879-1133 Website: www.dccourts.gov

Ola Salem

Plaintiff

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Case Number 2019 CA 002651 B

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David M. Schwartz

Name of Plaintiff's Attorney

1399 Franklin Ave., STE 100

Address Garden City, NY 11530

516-880-8170

Telephone

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Clerk of the Superior Court
Z. James W. R. [Signature]
Deputy Clerk

Date 04/25/2019

IMPORTANT: IF YOU FAIL TO FILE AN ANSWER WITHIN THE TIME STATED ABOVE, OR IF, AFTER YOU ANSWER, YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY DAMAGES OR OTHER RELIEF DEMANDED IN THE COMPLAINT. IF THIS OCCURS, YOUR WAGES MAY BE ATTACHED OR WITHHELD OR PERSONAL PROPERTY OR REAL ESTATE YOU OWN MAY BE TAKEN AND SOLD TO PAY THE JUDGMENT. IF YOU INTEND TO OPPOSE THIS ACTION, DO NOT FAIL TO ANSWER WITHIN THE REQUIRED TIME.

If you wish to talk to a lawyer and feel that you cannot afford to pay a fee to a lawyer, promptly contact one of the offices of the Legal Aid Society (202-628-1161) or the Neighborhood Legal Services (202-279-5100) for help or come to Suite 5000 at 500 Indiana Avenue, N.W., for more information concerning places where you may ask for such help.

See reverse side for Spanish translation

Vea al dorso la traducción al español

Superior Court of the District of Columbia

CIVIL DIVISION- CIVIL ACTIONS BRANCH

INFORMATION SHEET

Ola Salem
the Arabic vs Foundation,
Ali Shihabi

Case Number: 2019 CA 002651 B

Date: 4/23/19

One of the defendants is being sued
in their official capacity.

Name: (Please Print)	<u>David M. Schwartz</u>	Relationship to Lawsuit
Firm Name:	<u>Gierstman Schwartz LLP</u>	<input checked="" type="checkbox"/> Attorney for Plaintiff <input type="checkbox"/> Self (Pro Se) <input type="checkbox"/> Other: _____
Telephone No.:	Six digit Unified Bar No.: <u>576-880-8170</u> <u>208813</u>	

TYPE OF CASE: Non-Jury 6 Person Jury 12 Person Jury

Demand: \$ To be determined at trial Other: _____

PENDING CASE(S) RELATED TO THE ACTION BEING FILED

Case No.: _____ Judge: _____ Calendar #: _____

Case No.: _____ Judge: _____ Calendar #: _____

NATURE OF SUIT: (Check One Box Only)

A. CONTRACTS

- 01 Breach of Contract
- 02 Breach of Warranty
- 06 Negotiable Instrument
- 07 Personal Property
- 13 Employment Discrimination
- 15 Special Education Fees

COLLECTION CASES

- 14 Under \$25,000 Pltf. Grants Consent
- 16 Under \$25,000 Consent Denied
- 17 OVER \$25,000 Pltf. Grants Consent
- 18 OVER \$25,000 Consent Denied
- 27 Insurance/Subrogation
Over \$25,000 Pltf. Grants Consent
- 26 Insurance/Subrogation
Over \$25,000 Consent Denied
- 07 Insurance/Subrogation
Under \$25,000 Pltf. Grants Consent
- 34 Insurance/Subrogation
Under \$25,000 Consent Denied
- 28 Motion to Confirm Arbitration
Award (Collection Cases Only)

B. PROPERTY TORTS

- 01 Automobile
- 03 Destruction of Private Property
- 05 Trespass
- 02 Conversion
- 04 Property Damage
- 07 Shoplifting, D.C. Code § 27-102 (a)

C. PERSONAL TORTS

- 01 Abuse of Process
- 10 Invasion of Privacy
- 02 Alienation of Affection
- 11 Libel and Slander
- 03 Assault and Battery
- 12 Malicious Interference
- 04 Automobile- Personal Injury
- 13 Malicious Prosecution
- 05 Deceit (Misrepresentation)
- 14 Malpractice Legal
- 06 False Accusation
- 15 Malpractice Medical (Including Wrongful Death)
- 07 False Arrest
- 16 Negligence- (Not Automobile,
Not Malpractice)
- 08 Fraud

- 17 Personal Injury- (Not Automobile,
Not Malpractice)
- 18 Wrongful Death (Not Malpractice)
- 19 Wrongful Eviction
- 20 Friendly Suit
- 21 Asbestos
- 22 Toxic/Mass Torts
- 23 Tobacco
- 24 Lead Paint

SEE REVERSE SIDE AND CHECK HERE

IF USED

Information Sheet, Continued

C. OTHERS

- 01 Accounting
- 02 Att. Before Judgment
- 05 Ejectment
- 09 Special Writ/Warrants
(DC Code § 11-941)
- 10 Traffic Adjudication
- 11 Writ of Replevin
- 12 Enforce Mechanics Lien
- 16 Declaratory Judgment
- 17 Merit Personnel Act (OEA)
(D.C. Code Title 1, Chapter 6)
- 18 Product Liability
- 24 Application to Confirm, Modify,
Vacate Arbitration Award (DC Code § 16-4401)
- 29 Merit Personnel Act (OHR)
- 31 Housing Code Regulations
- 32 Qui Tam
- 33 Whistleblower

II.

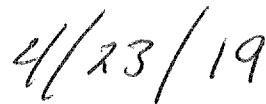
- 03 Change of Name
- 06 Foreign Judgment/Domestic
- 08 Foreign Judgment/International
- 13 Correction of Birth Certificate
- 14 Correction of Marriage
Certificate
- 26 Petition for Civil Asset Forfeiture (Vehicle)
- 27 Petition for Civil Asset Forfeiture (Currency)
- 28 Petition for Civil Asset Forfeiture (Other)
- 15 Libel of Information
- 19 Enter Administrative Order as
Judgment [D.C. Code §
2-1802.03 (h) or 32-151.9 (a)]
- 20 Master Meter (D.C. Code §
42-3301, et seq.)
- 21 Petition for Subpoena
[Rule 28-I (b)]
- 22 Release Mechanics Lien
- 23 Rule 27(a)(1)
(Perpetuate Testimony)
- 24 Petition for Structured Settlement
- 25 Petition for Liquidation

D. REAL PROPERTY

- 09 Real Property-Real Estate
- 12 Specific Performance
- 04 Condemnation (Eminent Domain)
- 10 Mortgage Foreclosure/Judicial Sale
- 11 Petition for Civil Asset Forfeiture (RP)
- 08 Quiet Title
- 25 Liens: Tax / Water Consent Granted
- 30 Liens: Tax / Water Consent Denied
- 31 Tax Lien Bid Off Certificate Consent Granted



Attorney's Signature



Date



SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION
Civil Actions Branch
500 Indiana Avenue, N.W., Suite 5000, Washington, D.C. 20001
Telephone: (202) 879-1133 • Website: www.dccourts.gov

OLA SALEM

Vs.

ARABIA FOUNDATION et al

C.A. No.

2019 CA 002651 B

INITIAL ORDER AND ADDENDUM

Pursuant to D.C. Code § 11-906 and District of Columbia Superior Court Rule of Civil Procedure (“Super. Ct. Civ. R.”) 40-I, it is hereby **ORDERED** as follows:

(1) Effective this date, this case has assigned to the individual calendar designated below. All future filings in this case shall bear the calendar number and the judge's name beneath the case number in the caption. On filing any motion or paper related thereto, one copy (for the judge) must be delivered to the Clerk along with the original.

(2) Within 60 days of the filing of the complaint, plaintiff must file proof of serving on each defendant: copies of the summons, the complaint, and this Initial Order and Addendum. As to any defendant for whom such proof of service has not been filed, the Complaint will be dismissed without prejudice for want of prosecution unless the time for serving the defendant has been extended as provided in Super. Ct. Civ. R. 4(m).

(3) Within 21 days of service as described above, except as otherwise noted in Super. Ct. Civ. R. 12, each defendant must respond to the complaint by filing an answer or other responsive pleading. As to the defendant who has failed to respond, a default and judgment will be entered unless the time to respond has been extended as provided in Super. Ct. Civ. R. 55(a).

(4) At the time and place noted below, all counsel and unrepresented parties shall appear before the assigned judge at an initial scheduling and settlement conference to discuss the possibilities of settlement and to establish a schedule for the completion of all proceedings, including, normally, either mediation, case evaluation, or arbitration. Counsel shall discuss with their clients **prior** to the conference whether the clients are agreeable to binding or non-binding arbitration. **This order is the only notice that parties and counsel will receive concerning this Conference.**

(5) Upon advice that the date noted below is inconvenient for any party or counsel, the Quality Review Branch (202) 879-1750 may continue the Conference **once**, with the consent of all parties, to either of the two succeeding Fridays. Request must be made not less than seven business days before the scheduling conference date.

No other continuance of the conference will be granted except upon motion for good cause shown.

(6) Parties are responsible for obtaining and complying with all requirements of the General Order for Civil cases, each judge's Supplement to the General Order and the General Mediation Order. Copies of these orders are available in the Courtroom and on the Court's website <http://www.dccourts.gov/>.

Chief Judge Robert E. Morin

Case Assigned to: Judge ROBERT R RIGSBY

Date: April 24, 2019

Initial Conference: 10:00 am, Friday, July 26, 2019

Location: Courtroom 201

500 Indiana Avenue N.W.

WASHINGTON, DC 20001

ADDENDUM TO INITIAL ORDER AFFECTING ALL MEDICAL MALPRACTICE CASES

In accordance with the Medical Malpractice Proceedings Act of 2006, D.C. Code § 16-2801, et seq. (2007 Winter Supp.), "[a]fter an action is filed in the court against a healthcare provider alleging medical malpractice, the court shall require the parties to enter into mediation, without discovery or, if all parties agree[,] with only limited discovery that will not interfere with the completion of mediation within 30 days of the Initial Scheduling and Settlement Conference ("ISSC"), prior to any further litigation in an effort to reach a settlement agreement. The early mediation schedule shall be included in the Scheduling Order following the ISSC. Unless all parties agree, the stay of discovery shall not be more than 30 days after the ISSC." D.C. Code § 16-2821.

To ensure compliance with this legislation, on or before the date of the ISSC, the Court will notify all attorneys and *pro se* parties of the date and time of the early mediation session and the name of the assigned mediator. Information about the early mediation date also is available over the internet at <https://www.dccourts.gov/pa/>. To facilitate this process, all counsel and *pro se* parties in every medical malpractice case are required to confer, jointly complete and sign an EARLY MEDIATION FORM, which must be filed no later than ten (10) calendar days prior to the ISSC. D.C. Code § 16-2825 Two separate Early Mediation Forms are available. Both forms may be obtained at www.dccourts.gov/medmalmediation. One form is to be used for early mediation with a mediator from the multi-door medical malpractice mediator roster; the second form is to be used for early mediation with a private mediator. Both forms also are available in the Multi-Door Dispute Resolution Office, Suite 2900, 410 E Street, N.W. Plaintiff's counsel is responsible for eFiling the form and is required to e-mail a courtesy copy to earlymedmal@dcsc.gov. *Pro se* Plaintiffs who elect not to eFile may file by hand in the Multi-Door Dispute Resolution Office.

A roster of medical malpractice mediators available through the Court's Multi-Door Dispute Resolution Division, with biographical information about each mediator, can be found at www.dccourts.gov/medmalmediation/mediatorprofiles. All individuals on the roster are judges or lawyers with at least 10 years of significant experience in medical malpractice litigation. D.C. Code § 16-2823(a). If the parties cannot agree on a mediator, the Court will appoint one. D.C. Code § 16-2823(b).

The following persons are required by statute to attend personally the Early Mediation Conference: (1) all parties; (2) for parties that are not individuals, a representative with settlement authority; (3) in cases involving an insurance company, a representative of the company with settlement authority; and (4) attorneys representing each party with primary responsibility for the case. D.C. Code § 16-2824.

No later than ten (10) days after the early mediation session has terminated, Plaintiff must eFile with the Court a report prepared by the mediator, including a private mediator, regarding: (1) attendance; (2) whether a settlement was reached; or, (3) if a settlement was not reached, any agreements to narrow the scope of the dispute, limit discovery, facilitate future settlement, hold another mediation session, or otherwise reduce the cost and time of trial preparation. D.C. Code § 16-2826. Any Plaintiff who is *pro se* may elect to file the report by hand with the Civil Actions Branch. The forms to be used for early mediation reports are available at www.dccourts.gov/medmalmediation.

Chief Judge Robert E. Morin